

Remarks

In response to the Restriction Requirement **Applicants hereby elect with traverse to prosecute the claims of Group I (claims 1-2, 22-25, 28-31 and 34-39)**, drawn to genetically modified plants or plant parts that produce daidzein and comprise one or more nucleotide sequences encoding isoflavone synthase and chalcone reductase.

Applicants respectfully traverse the Restriction/Election requirement because the pending claims are directed to the same or patentably indistinct inventions. The claims of all three groups, *i.e.*, Group I, Group II and Group III, constitute a single invention because all the claims require the same genetically modified plants or plant parts that produce daidzein. The extract claimed in claims 26-27 (*i.e.*, Group II) is an extract of the plant claimed in claim 1 (*i.e.*, of Group I), and the methods of claims 32-33 (*i.e.*, Group III) also require the plant or part thereof claimed in claim 1, or an extract of the plant claimed in claim 1. Moreover, all the claims of Groups I, II and III constitute a single invention because they all require that the genetically modified plant or part thereof is active in flavonol and anthocyanin biosynthesis and comprises one or more nucleotide sequences encoding isoflavone synthase and chalcone reductase. Therefore, all the claims of Groups I, II and III are drawn to the same invention.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 C.F.R. 1.136(a)(3).

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Respectfully submitted,
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